

AN ORDINANCE BY  
COUNCILMEMBER

  
FELICIA A. MOORE

05-0-1198

**AN ORDINANCE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE THAT A CERTAIN SUBDIVISION, SD-05-34 (2434 and 2438 Brantley Street, NW) APPLICANT DEPOSIT A DOLLAR AMOUNT (\$3,000) EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK CONSTRUCTION INTO A DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 9; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to the application for the subdivision of land submitted by the developer, in compliance with the provisions of Section 15-09.003, to provide sidewalks on both sides of existing as well as proposed streets; and

**WHEREAS**, the construction of sidewalks along the frontage of these subdivisions would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the street that contain the proposed subdivided lots to which the sidewalks could connect; and

**WHEREAS**, the City and area residents would be better served by the construction of sidewalks and pedestrian improvements in the area of said subdivision with in District 9.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

Section 1: The requirements of Section 15-09.003 of the City of Atlanta Code of Ordinance, which requires that applications for subdivision of land provide sidewalks is hereby waived for subdivision SD-05-34.

Section 2: That the waiver of said requirements for the aforementioned application is conditioned upon the agreement of the applicant to pay the City of Atlanta a dollar amount equal to the value of construction SD-05-34, located at 2434 and 2438 Brantley Street, NW (\$3,000) of said sidewalks as required by Section 15-09.003 and as determined by the Commissioner of Department of Public Works.

Section 3: That before the Director of Bureau of Building issues any building permits for construction within the subdivision sited above, said funds shall be deposited in trust fund account **3P02 424101 Y63T19019999**, to be used for pedestrian improvements and sidewalk construction in Council District 9.

Section 4: That all other requirements of the Code of Ordinance for the subdivision sited above shall remain in full force and effect.

Section 5: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.